

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -APRIL 18, 2006- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:46 p.m. Councilmember deHaan led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Matarrese, and Mayor Johnson - 4.

Absent: Vice Mayor Gilmore - 1.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-198) Proclamation declaring April 22, 2006 as Earth Day.

Mayor Johnson read and presented the Proclamation to Chuck Bangert, Vice President of the Public Utilities Board.

Mr. Bangert thanked the Council for the opportunity to sponsor Earth Day 2006; stated that Alameda ranks number one in resource adequacy as well as environmental friendliness; invited the Council to visit the Alameda Power & Telecom booth on Saturday from 11:00 a.m. to 4:00 p.m. at Upper Washington Park; presented the Council with a bag of recycled items.

(06-199) Proclamation declaring the month of April as Fair Housing Month.

Mayor Johnson read and presented the Proclamation to Mona Breed with Sentinel Fair Housing.

Ms. Breed thanked the Council for the Proclamation and provided the Council with a fair housing education booklet; stated the booklet will be translated to Spanish and Chinese for non-English speaking property owners.

(06-200) Proclamation declaring April 25, 2006 as Equal Pay Day in the City of Alameda.

Mayor Johnson read and presented the Proclamation to Jen Crook, Chair of Equal Pay Day activities.

Ms. Crook stated the Business and Professional Women of Alameda provide awareness to young girls; thanked the Council for the

Proclamation; provided the Council with flyers that were distributed to Girl Scout troops.

CONSENT CALENDAR

Councilmember deHaan moved approval of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 4. [Absent: Vice Mayor Gilmore - 1.]

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*06-201) Minutes of the Special and Regular City Council Meetings held on April 4, 2006, and the Special City Council Meeting held on April 5, 2006. Approved.

(*06-202) Ratified bills in the amount of \$2,827,937.04.

(*06-203) Recommendation to approve the Amended and Restated Housing Assistance Agreement, Attachment A to the City Manager Employment Agreement, and authorize the execution of related documents. Accepted.

(*06-204) Recommendation to adopt plans and specifications and authorize Call for Bids for repair and resurfacing of certain streets, Phase 26, No. P.W. 03-06-08. Accepted.

(*06-205) Resolution No. 13943, "Amending the Alameda City Employees Association (ACEA) Salary Schedule by Establishing the Salary Range for the Classification of Permit Technician III." Adopted; and

(*06-205A) Resolution No. 13944, "Amending the Management and Confidential Employees Association (MCEA) Salary Schedule by Establishing the Salary Range for the Classification of Police Records and Communications Manager." Adopted.

REGULAR AGENDA ITEMS

(06-206) Public Hearing to consider a recommendation to adopt Fiscal Year 2006-2007 Community Development Block Grant (CDBG) Action Plan and authorize the City Manager to negotiate and execute related documents, agreements, and modifications.

The Base Reuse and Community Development Manager provided a brief presentation.

Councilmember Matarrese stated reallocated funds are approximately 10% of the total budget; inquired whether a 10% carryover is anticipated for Fiscal Year 2007-2008.

The Base Reuse and Community Development Manager responded hopefully not; stated money would be spent on the Woodstock to Webster Street Project in the upcoming fiscal year.

Councilmember Matarrese inquired whether there was a 10% decrease in federal funding from the previous allocation, to which the Development Services Division Manager responded the decrease was approximately 9.5%.

Mayor Johnson opened the public portion of the hearing.

Karen Hollinger-Jackson, Social Services Human Relations Board (SSHRB) Member, stated the SSHRB unanimously agrees with the staff recommendation.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson thanked the SSHRB for input on funding issues.

Councilmember deHaan inquired whether a one-year funding cycle occurred in the past.

The Base Reuse and Community Development Manager responded two-year funding cycles were done in the past; a one-year funding cycle was used most currently; the recommendation is to return to the two-year funding cycle.

Councilmember deHaan inquired whether funding was in jeopardy.

The Base Reuse and Community Development Manager responded funding is always in jeopardy; CDBG funding cuts are recommended [at the federal level] every year; the funding has strong bi-partisan support; 10% to 30% cuts are anticipated next year.

Councilmember deHaan inquired whether funding adjustments have been made.

The Base Reuse and Community Development Manager responded the second year funding cycle is contingent upon the allocation; the CDBG program caps social service expenditures at 20% of the total allocation.

Mayor Johnson stated the federal government still works on a one-

year funding; allocation adjustments would need to be made based on the funding received.

Councilmember deHaan stated some projects are long-range, such as the Woodstock to Webster Street Project.

The Base Reuse and Community Development Manager stated only social service contracts are on the two-year funding cycle.

Councilmember Daysog stated the two-year funding cycle provides an element of stability for non-profits; he supports the two-year funding cycle.

Mayor Johnson stated she is happy the Woodstock to Webster Street Project has CDBG funding; the Council supports the project and feels strongly about moving forward as quickly as possible.

Councilmember Matarrese moved approval of the staff recommendation.

Councilmember Matarrese thanked the SSHRB for recommendations; stated the SSHRB would be tapped to monitor the progress; decreased funding is a possibility next year.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 4. [Absent: Vice Mayor Gilmore - 1.]

(06-207) Public Hearing to consider an amendment to Master Fee Resolution No. 12191 to Adjust Appeal Fees to the Planning Board and City Council; and

(06-207A) Resolution No. 13945, "Amending Master Fee Resolution No. 12191 to Revise Fees Charged for Appeals to the Planning Board and to the City Council." Adopted.

The Building and Planning Director provided a brief presentation.

Mayor Johnson stated that San Jose's flat fee is \$1,925 plus time and materials; she does not like the current system and would prefer a flat fee; cost recovery is not an issue for her; detailed accounting would need to be provided to the appellant if the City were to charge for time and materials.

Councilmember Matarrese inquired how many appeals were filed in 2005, and whether the time charged was for salary or hourly employees.

The Planning and Building Director responded that 13 appeals were filed in 2005; stated the average cost was \$1,061; the \$100 per-

hour rate is a blended rate.

Mayor Johnson inquired whether hourly and salary employees work on an appeal, to which the Building and Planning Director responded in the affirmative.

Councilmember deHaan inquired when the Master Fee schedule would be reviewed, to which the Planning and Building Director responded in May.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of amendment): Irene Dieter, Alameda (submitted letter); Robert Gavrich, Alameda (submitted handout); Dorothy Reid, Alameda; Li Volin, Alameda; Ani Dimusheva, Alameda (submitted letter); Robb Ratto, Park Street Business Association (PSBA); Christopher Buckley, Alameda; Jon Spangler, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson stated homeowners should not be charged large fees; the court system has a flat fee for appeals and has a fee waiver process; she favors a flat fee.

Councilmember Matarrese stated he is in favor of making the appeal fee as simple as possible; a \$100 flat fee is large enough to prevent frivolous appeals; cost recovery is meaningless because \$13,000 in appeal fees is nothing for a \$3.5 million budget; the cost recovery policy needs to address when the Master Fee schedule is reviewed; people should know that any Councilmember or Planning Board Member can request a Call for Review at no cost; a \$100 flat fee would have people pause before filing an appeal just because they dislike their neighbor.

Councilmember deHaan stated a fair and open government practice is needed; other cities have recognized that non-applicant fees should have a flat rate; applicants carry a heavier burden; the Council has reversed Planning Board decisions in the past; developers already pay large permit fees; he would like to review past history of appeal fees.

Mayor Johnson inquired whether Councilmember deHaan would prefer different fees for applicants and non-applicants.

Councilmember deHaan responded that applicants in other cities appear to be charged time and material.

Mayor Johnson stated that applicants often are individual homeowners.

Councilmember deHaan stated California Environmental Quality Act (CEQA) required projects are pushed to a higher level; a flat rate [for both appellants and applicants] would be fine.

Councilmember Daysog stated the current rule has a chilling affect on free speech and needs to be changed; he prefers the \$100 flat rate; he cannot recall any frivolous appeals coming to the City Council or Planning Board in his ten years on the Council; apologized for participating in the passage of the 2004 Ordinance; stated the ordinance went awry.

Councilmember deHaan stated other concerning fees are in the Master Fee schedule, such as traffic appeal fees.

Mayor Johnson stated the Council is trying to make the appeal process standard.

Councilmember Matarrese moved adoption of resolution, option 2, with changing the Master Fee Resolution flat rate fee for applicants and non-applicants to \$100.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Vice Mayor Gilmore - 1.]

Councilmember deHaan requested an Off Agenda Report on the breakdown of appeal fees charged over the past two years.

(06-208) Adoption of Resolution Adopting a "Buy Alameda" Philosophy. **Not adopted.**

The Assistant to the City Manager provided a brief presentation.

Mayor Johnson inquired whether the City had another "Buy Alameda" resolution; stated the first priority was to have the City do business with businesses in Alameda; the Finance Department has done a good job implementing policies; policies should be included as part of the proposed resolution or reflected in a separate resolution.

Councilmember Matarrese stated the proposed resolution does not include language regarding the City's internal policy and procedures.

The City Manager stated the Municipal Code addresses a local preference policy; additional language could be added to reflect

the internal policies; the matter will be brought back to Council.

Councilmember Daysog requested information on the process of bidding out goods and services; stated it is important to know that there is a competitive process and that the City receives goods and services at the lowest price and best quality.

Mayor Johnson requested that the bid process be brought back to Council as a separate agenda item.

Councilmember deHaan requested information on how much revenues have increased.

Mayor Johnson requested that the matter be brought back to Council with incorporating the internal purchasing policy into the resolution; stated that the Finance Director has been instrumental in the improvements made.

David Kirwin, Alameda, stated the Council should lead the unification of Alameda; he would prefer to have major redevelopment projects placed on a ballot.

Robb Ratto, PSBA, stated that PSBA is in favor of the proposed resolution; the staff report referenced a partnership between the City and the Chamber of Commerce; PSBA, the West Alameda Business Association (WABA) and Greater Alameda Business Association (GABA) should also be involved in the partnership; requested a meeting with the Finance Director to discuss improvements that have been made; suggested the City consolidate paper purchasing.

ORAL COMMUNICATIONS, NON-AGENDA

(06-209) David Kirwin, Alameda, inquired when the Civic Center scale model would be prepared; stated that currently the project costs are approximately \$30 million without financing costs.

Councilmember Matarrese stated the theater cost is not \$30 million; requested clarification on the costs.

The City Manager stated that the theater, parking structure, and Cineplex costs are approximately \$28 million; the historic theater is the largest component because of restoration costs.

Councilmember deHaan stated that the historic theater cost is approximately \$13 million; the parking structure cost is approximately \$9 to \$10 million.

The City Manager stated that a model should be completed by June

for the downtown area.

Mayor Johnson stated bids [for the theater] should be coming back in May; costs would be known at that time.

Councilmember Daysog stated the initial estimate was approximately \$9.5 for refurbishing the historic theater; now costs are \$13 million; on-going vigilance will be needed as the project proceeds.

Mr. Kirwin stated he would like to know the cap before the project is initiated.

(06-210) Dorothy Reid, Alameda, stated the public should be advised that projects could be handled by bringing concerns to a Councilmember's attention so the Councilmember can request a Call for Review at no charge.

(06-211) Jon Spangler, Alameda, stated that Alameda should have a Sunshine Ordinance as strong as Oakland's, which aims at opening up government to public scrutiny and ensuring that government is more accountable in terms of public record and public meetings.

COUNCIL COMMUNICATIONS

(06-212) Consideration of Mayor's nominations for appointment to the Film Commission. **Continued to May 2, 2006.**

(06-213) Councilmember deHaan stated there are concerns with the Target project; the entire project should be discussed so that everyone understands what the entire project entails; discussions have suggested that a parking structure is being contemplated.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 9:26 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -APRIL 18, 2006- -5:30 P.M.

Agenda:

(06-197) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9; Number of cases: One. **Not held.**

Mayor Johnson announced that the Council did not discuss the matter.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -APRIL 18, 2006- -5:31 P.M.

Chair Johnson convened the Special Meeting at 6:10 p.m.

Roll Call - Present: Commissioners Daysog, deHaan, Matarrese,
and Chair Johnson - 4.

Absent: Commissioner Gilmore - 1.

The Special Meeting was adjourned to Closed Session to consider:

(06-011) Conference with Real Property Negotiators - Property: 2319
Central Avenue, Barcelona Café; Negotiating parties: Community
Improvement Commission and Charles Carlise; Under negotiation:
Price and terms.

Following the Closed Session, the Special Meeting was reconvened
and Chair Johnson announced that the Commission obtained briefing
from real property negotiators.

Adjournment

There being no further business, Chair Johnson adjourned the
Special Meeting at 6:55 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

The agenda for this meeting was posted in accordance with the Brown
Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY,
COMMUNITY IMPROVEMENT COMMISSION, AND
HOUSING AUTHORITY BOARD OF COMMISSIONERS MEETING
TUESDAY- -APRIL 18, 2006- -7:31 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 9:27 p.m.

ROLL CALL - Present: Councilmembers / Board Members /
Commissioners Daysog, deHaan, Matarrese,
Commissioner Torrey, and Mayor/Chair
Johnson - 5.

Absent: Vice Mayor/Board Member/Commissioner
Gilmore - 1.

MINUTES

(06-214CC/06-12CIC) Minutes of the Special Joint City Council and
Community Improvement Commission Meeting held on March 21, 2006.
Approved.

Councilmember/Board Member/Commissioner Matarrese moved approval of
the minutes.

Councilmember/Board Member/Commissioner deHaan seconded the motion,
which carried by unanimous voice vote - 4. [Absent:
Councilmember/Board Member/Commissioner Gilmore - 1]

AGENDA ITEM

(06-215CC/06-13CIC) Discussion of City Attorney/General Counsel
Legal Services and staffing options.

The City Attorney provided a brief presentation on staffing
options.

Burney Matthews, Alameda, stated that he does not see how two
attorneys can handle all of the issues facing the City; the Police
Department's relationship with the City Attorney saved the City
thousands of dollars over the years; outsourcing will not keep
litigation costs at a minimum.

Mayor/Chair Johnson stated that the Council/Board
Members/Commissioners are not suggesting outsourcing; outsourcing
is only one option.

Councilmember/Board Member/Commissioner Daysog stated residents were led to believe that the City needed a fully staffed Attorneys Office in 1937; the City has not been flying with all wings in place over the past year; Option One seems consistent with what prompted creating the City Attorney's office in 1937.

Mayor/Chair Johnson stated she would prefer to have Vice Mayor/Board Member/Commissioner Gilmore's input; outside counsel costs have ranged from \$2.5 to \$3 million; the Council/Board/Commission have been receiving monthly reports on the costs of outside counsel; now the costs are within a reasonable range; the Council/Board/Commission should have a better understanding on the operation of the City Attorney's Office; the Council/Board/Commission should not focus on the number of attorneys on staff but on how to deal with outside counsel costs and the combined costs; \$1.4 million is budgeted for outside counsel this year.

Councilmember/Board Member/Commissioner deHaan stated the costs for outside counsel have gone down; the Council/Board/Commission should concentrate on filling the City Attorney's position; suggested filling one of the attorney vacancies immediately.

Mayor/Chair Johnson stated the Council/Board/Commission would have a better understanding on how to model the rest of the City Attorney's Office once the City Attorney's position is discussed.

Councilmember/Board Member/Commissioner deHaan stated hiring from within the City is a possibility.

Councilmember/Board Member/Commissioner Matarrese stated the City Attorney position should be posted as soon as possible; he would prefer to discuss filling the vacancies when Vice Mayor Gilmore is present.

Councilmember/Board Member/Commissioner deHaan moved approval of announcing the City Attorney position and filling one other attorney position.

Mayor/Chair Johnson concurred that the City Attorney position should be announced; stated she would want to have Vice Mayor/Board Member/Commissioner Gilmore's input.

Councilmember/Board Member/Commissioner Daysog stated the process for ramping up to five attorneys, including the City Attorney,

should begin.

Councilmember/Board Member/Commissioner Daysog seconded the motion.

Mayor/Chair Johnson stated a Council/Board/Commission discussion on filling the vacancy from within should be scheduled.

Councilmember/Board Member/Commissioner deHaan stated he was willing to take his motion off the table and have the Council/Board/Commission discuss the matter in two weeks.

Councilmember/Board/Commissioner deHaan moved approval of meeting in two weeks to discuss the matter.

Councilmember/Board Member/Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5. [Absent: Vice Mayor/Board Member/Commissioner Gilmore - 1.]

The City Manager clarified that the matter would be discussed at the May 2 Closed Session and Regular City Council meetings.

Commissioner Torrey stated he did not receive any notice of the meeting in advance.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 9:54 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.